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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,531	02/12/2004	Shrjie Tzeng	58268.00361	4147

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EXAMINER

KRISHNAN, VIVEK V

ART UNIT	PAPER NUMBER
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4121

MAIL DATE	DELIVERY MODE
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10/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,531

Applicant(s)

TZENG, SHRJIE

Examiner

Vivek Krishnan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 7-10 and 12-15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date March 9, 2004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application
- ☐ Other: ____.

DETAILED ACTION

This is a Non-Final Office Action Correspondence in response to U.S. Application No.

10/776531 filed on February 12, 2004. Claims 1-15 are pending.

Claim Objections

1. Claims 7-10 and 12-15 are objected to because of the following informalities:

Claims 7-10 and 12-15 recite *a method as recited in*. However, these claims depend on apparatus claims. Hence, claims 7-10 and 12-15 should be appropriately amended to indicate dependency on apparatus claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "*the specific "trunk" group*". It is not clear whether or not the specific "trunk" group refers to the specific "trunking" group disclosed in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-6, 8-11, and 13-15 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0027908 A1 published on March 7, 2002 by Kalkunte et al. (denoted herein as “Kalkunte”).

7. As for claims 1, 3-6, 8-11, and 13-15, Kalkunte discloses ***a method of handling frames in a network device, said method comprising the steps of (a network device for handling frames, comprising):***
receiving (means for) a frame at a network device of an assembly of network devices, with the assembly of devices divided into a first side and a second side and the network device being on the first side (Kalkunte discloses receiving a frame at a network switch fabric on a first side and including at least a second side including the destination and other devices on the switch fabric, see column 2 lines 65-67 and column 3 lines 1-20 and Figure 1);
examining (means for) the received frame to determine whether the frame is destined for a member of a specific trunking group (Kalkunte discloses examining the received frame to determine whether the frame is belongs to a specific trunking group, see column 2 lines 65-67 and column 3 lines 1-20);

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determining (means for) whether a destination device identifier for the frame corresponds to one of the network devices on the second side (Kalkunte discloses examining the destination address of the frame to determine both the destination on the second side that the frame belongs to and the destination device associated with the trunking group on the second side that the frame belongs to, see column 2 lines 65-67 and column 3 lines 1-20); ***and***

forwarding (means for) the frame to a destination port based on being a member of the specific trunk group and the destination device identifier (Kalkunte discloses forwarding the frame to a destination port based on being a member of the specific trunking group and the destination address, see column 2 lines 65-67 and column 3 lines 1-20).

8. As for claims 3, 8, and 13, Kalkunte discloses each and every limitation of claims 1, 6, and 11. Kalkunte further discloses ***wherein the step of examining the received frame (wherein the examining means) comprises (means for) performing a lookup in a trunking group table*** (Kalkunte discloses examining the frame by performing a lookup in a trunk group table, see column 3 lines 20-40).

9. As for claims 4, 9, and 14, Kalkunte discloses each and every limitation of claims 1, 6, and 11. Kalkunte further discloses ***wherein the step of determining (wherein the determining means) comprises (means for) examining the destination device identifier contained in a header of the frame*** (Kalkunte discloses examining the destination address in the header of the frame, see column 3 lines 20-40).

10. As for claims 5, 10, and 15, Kalkunte discloses each and every limitation of claims 1, 6, and 11. Kalkunte further discloses ***wherein the step of forwarding the frame (wherein the***

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forwarding means) comprises (means for) forwarding the frame over an interconnected Gigabit port of the network device when the destination port is the member of the specific trunk group and the destination device identifier indicates one of the network devices on the second side (Kalkunte discloses forwarding the frame over an interconnected Gigabit port of the network switch fabric, see Figure 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalkunte, as applied to claims 1, 6, and 11, and in further view of U.S. Patent Application Publication No. 2005/0105904 filed on October 31, 2003 by Varanasi et al. (denoted herein as "Varanasi").

13. As for claims 2, 7, and 12, Kalkunte discloses each and every limitation of claims 1, 6, and 11. Kalkunte does not explicitly disclose, but Varanasi discloses *wherein the step of examining the received frame (wherein the examining means) comprises (means for) examining the received frame to determine whether the frame is destined for the member of the specific trunking group of ports providing connections over a high speed data port*

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interface (Varanasi discloses examining the received frame to determine, based on the weighting considerations, whether the frame is destined for ports providing connections over higher bandwidth port interfaces, see page 6 paragraphs 55-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kalkunte's disclosure of examining the received frame to determine whether it is destined for a member of a specific trunking group, to include further discrimination on the speed of the ports associated with trunking group in order to minimize congestion of any particular port, see page 6 paragraphs 55-58 of Varanasi.

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Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


U.S. Patent No. 4,701,906 issued to Ransom et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Krishnan whose telephone number is (571) 270-5009. The examiner can normally be reached on Monday through Friday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi Arani can be reached on (571) 272-3787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VK


TAGHI ARANI
PRIMARY EXAMINER
10/19/10 Z